

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Robert James Swint, et al.,

5 Plaintiffs

6 v.

7 Oregon Lottery Commission, et al.,

8 Defendants

Case No. 2:24-cv-00433-CDS-EJY

Order Adopting Magistrate Judge's Report
and Recommendation and Closing Case

[ECF Nos. 1, 3]

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10 Plaintiffs Robert and Sandra Swint allege “unlawful crisscross apple saucing” against an
11 array of defendants. Because the Swints apply to proceed *in forma pauperis*, Magistrate Judge Elayna
12 Youchah screened the complaint and recommends that it be dismissed with prejudice. R&R, ECF
13 No. 3.

14 Under this district’s local rules, the Swints had until March 22, 2024 to file any
15 objections to the R&R. 28 U.S.C. § 636(b)(1); LR IB 3-2(a) (stating that parties wishing to object
16 to an R&R must file objections within fourteen days). As of the date of this order, the plaintiffs
17 have neither objected to the R&R nor requested more time to do so. And “no review is required of
18 a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*,
19 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United*
20 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). I nonetheless reviewed Judge Youchah’s
21 R&R and agree with her findings.

22 As Judge Youchah correctly summarized, the Swints’ filing is comprised of
23 incomprehensible gibberish, and no actual facts are alleged. *See generally* Complaint, ECF No. 1-1.
24 Pro se litigants should be given leave to amend unless it is absolutely clear that the defective
25 complaint cannot be cured by amendment. *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995).
26 Here, plaintiffs’ mostly indecipherable complaint is nothing more than gibberish that fails to state

1 a cognizable claim under federal law. No amendment can cure these defects. Amendment would
2 thus be futile and therefore denied.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Magistrate Judge Youchah's report and
5 recommendation [ECF No. 3] is ADOPTED in its entirety. Swint's application to proceed in
6 forma pauperis [ECF No. 1] is DENIED as moot.

7 This action is dismissed with prejudice. The Clerk of Court is kindly instructed to enter
8 judgment accordingly and to close this case.

9 Dated: March 25, 2024

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12 Cristina D. Silva
13 United States District Judge
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